Interference No. 104,761
University of New Mexico v. Fordham University

Filed on behalf of Junior Party UNIVERSITY OF NEW MEXICO

Paper _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Torczon)

UNIVERSITY OF NEW MEXICO
(5,747,332 and 6,066,716)

Junior Party,

v.

FORDHAM UNIVERSITY
(09/090,754),

Senior Party.

Patent Interference No. 104,761

UNIVERSITY OF NEW MEXICO PRELIMINARY STATEMENT

UNIVERSITY OF NEW MEXICO PRELIMINARY STATEMENT

The University of New Mexico ("UNM") is the real party in interest in the present interference. Erik S. Wallen, Jan Roigas and Pope L. Moseley, the named inventors, made the invention described in United States Patents 5,747,332 and 6,066,716 in the United States of America. Pursuant to 37 C.F.R. § 1.623, UNM sets forth the following facts as to the invention defined by the interference counts:

(1) There is no drawing of the invention since it is a method not amenable to being drawn.

(2) The first written description of the invention was made on or about April 22, 1996. A copy of the first available written description of the invention is in a dated and witnessed laboratory notebook entry, which is attached hereto.

(3) The invention was first disclosed by the inventors to another person on or about April 22, 1996.

(4) The invention was first conceived on or about April 22, 1996.

(5) The invention was first actually reduced to practice on or about April 29, 1996. The invention was constructively reduced to practice in the United States when U.S. Serial No. 08/717,239, now U.S. Patent 5,747,332, was filed on September 20, 1996 in the United States Patent and Trademark Office. U.S. Patent 6,066,716 issued from U.S. Serial No. 08/934,139 which is a division of U.S. Serial No. 08/717,239.

(6) The active exercise of reasonable diligence toward reducing the invention to practice began on April 22, 1996.

Date: May 17, 2002

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that a true copy of the foregoing **UNIVERSITY OF NEW MEXICO PRELIMINARY STATEMENT** was transmitted electronically, with a requested delivery date of May 20, 2002, before 10:00 am EST,

APJ Richard Torczon at:

BoxInterferences@USPTO.GOV

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Paul Adams, Reg. No. 21,096

4-22-96

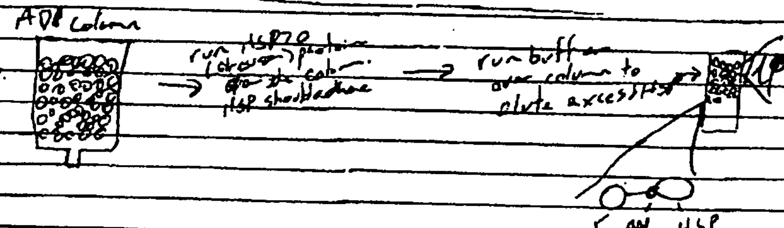
Purification of peptides for HSP cancer therapy.

Srivastava suspects that HSP 70 and GP96 are carriers that present antigens to immune cells. He has ~~attempted~~ purified HSP's w/ incorporated proteins and found them to be effective against the same tumor in mice.

1) If it is the HSP presentation of the peptide, why worry about the cells own HSP. why not use exogenous HSP?

2) The recognition must depend on the surface presentation of the antigen, why not ignore the cytosolic proteins only?

Column preparation



Sample Prep – 1) Do standard membrane prep to isolate proteins expressed on the surface

2) treat proteins w/ Trypsin (or other protease?) to create peptides.

3) filter out Trypsin.

4) apply to Column

witnessed 7/.. [signature]

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22

4-22-96 cont.

Sample applied to protein should stick to HSP's lining the column.

HSP peptide matrix

Elution of Sample: Elute the sample w/ a buffer containing ATP.

Then use the HSP-peptide eluent to immunize the rats.

Discussion w/ Jon about pilot experiment
- 8 rats 2 saline injection, 2 - HSP injection, 2 - peptide injection, 2 - HSP-peptide injection
- The rats will be given the Dunning Tumor cells because they are the most convenient.

Possible Problems: 1) The Dunning tumor is not the best tumor so it may be more indicated to develop immunity to it. The peptide only control should help to show this.
2) Can we use Human HSP 70? or do we need to purify the HSP 70 from the rats cells in order to remain within species?
3) If we use the Stressgen HSP 70, is this the isotype that participates in the antigen presentation

9/12/96

4-23-96

Discussed the column idea w/ Pope ~~the~~

~~so~~ Ordered the materials from VWR and

Sigma: VWR: KT 420 400-0704 columns

KT 420163-4503 stopcocks

Sigma: A2754 ADP 5' Phosphate 1g

A2810 ADP C-8 linked Agarose 1ml

~~Pos~~ We have Bovine HSC 70 (Stressgen) in the freezer although it is quite old.

The initial experiments will be:

1) run the HSC 70 over the ADP column and see if it sticks, and if it elutes w/ ADP containing buffer - test by O.D. and western.

2) ~~For~~ if this works, run cytosolic Dunning ~~ex~~ peptides down the HSP primed column and see if they stick. test w/ O.D. and western

- If step #1 does not work, I may order human recombinant HSP 70 from Stressgen to re-do the experiment.

Jim's suggestion: test the ability of the HSP to bind by treating the complex w/ ATP - see if the peptides are elutable

Pope's - redo 5' experiment

[illegible] 12/3/96